

FILED
U.S. DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
2002 JUN 12 P 3:57

WYNDHOLME VILLAGE, LLC, et al.

v.

NADIF OF WYNDHOLME, LLC, et al.

CLERK'S OFFICE
AT BALTIMORE
BY _____ : DEPUTY

Civil No. L-01-3809

ORDER

On January 10, 2002, Plaintiffs filed a Motion to Dismiss or, in the Alternative, to Strike Counter-Complaint. On January 31, 2002, Defendants filed a Motion for Judgment in Favor of Defendants on Prejudgment Garnishments or, in the Alternative, either for Dissolution of Prejudgment Garnishments or for Release of Property Subject to Prejudgment Garnishments with Request for Hearing.

The Court hereby DENIES Plaintiffs' Motion to Dismiss, and GRANTS Plaintiffs' Alternative Motion to Strike.

Defendants shall submit an amended counter-complaint by June 21, 2002. The amended counter-complaint shall state Defendants' claims in a clear and concise manner. The amended complaint shall be no longer than 8 pages.

Plaintiffs shall file their Answer within 4 days of service of the counter-complaint. The current counter-complaint has provided Plaintiffs with sufficient notice of Defendants' allegations of fraud. Accordingly, Plaintiffs are prohibited from challenging the counter-complaint on the grounds that it does not plead the specific instances of fraud with particularity.

The Court has reviewed Defendants' Motion for Judgment in Favor of Defendants on

22
24

Prejudgment Garnishments or, in the Alternative, either for Dissolution of Prejudgment Garnishments or for Release of Property Subject to Prejudgment Garnishments with Request for Hearing. The Court has concluded that further briefing is required. On or before June 28, 2002, Plaintiffs shall submit a memorandum of no more than 5 pages addressing the following four questions:

- i) What is Plaintiffs' response to Defendants' contention that the garnishee has filed answers to the garnishments stating that he holds no assets of Defendants?
- ii) What is Plaintiffs' response to Defendants' contention that the prejudgment garnishments were improperly issued because Fisher, Quinn and Zukerman had no legal claim to any of the foreclosure proceeds?
- iii) What is Plaintiffs' response to Defendants' contention that the prejudgment garnishments were improperly issued because Plaintiffs did not post a bond?
- iv) What is Plaintiffs' response to Defendants' contention that the prejudgment garnishments were improperly issued because NADIF and WVI are limited liability companies?

It is so ORDERED this 12th day of June, 2002.



Benson Everett Legg
United States District Judge